Applicants respectfully disagree. Pelin shows purely receiver algorithm techniques relating to receiving/detection. Such very basic algorithms of Pelin happen within a time slot, i.e., during a certain amount of chips. Pelin states that fast fading exists. He states that antenna (space) diversity is a solution (col. 1, ll. 29 and 30). The applicants would like to respectfully state also, that Pelin relates to receiver techniques within a time slot, but Persson relates to between the time slots or frames or longer periods. In addition, the applicants would like to respectfully state, that Persson and Pelin have nothing in common and no clue for the skilled man in the art why to combine the two inappropriately incompatible techniques to any functional solution. Such incompatibility would be noticed immediately and a skilled man in the art would not consequently even try to combine the techniques in Persson and Pelin. Indeed, Persson in column 3, lines 25-35, summarizes its features and states that Persson relates in taking into account the power adjustments according to the changes in a cell for maintaining the signal-interference-ratios by the mobile stations within a cell. So, the goal in Persson is adjust the power according to the incidences originating to the number of the mobiles and the power levels thereto, whereas the present invention is used to combat against fast fading.

Persson in column 3, line 36, to column 4, line 4, continues to explain the triggering conditions for compensating the power in such a case.

Further, while there is stated the existence of fast fading in the Pelin, it does not however take fast fading into account at all except using multiple antennas, whereas in the present invention a power control function is formed to combat fast

fading as is indicated in the present claims. The techniques in Persson relate to situation when a mobile is about to join a cell, making an initialization for such. In the invention, the power adjustment has a more continuously utilizable character not only in a cell, but the invention can also be used more widely to set power levels of a cluster. In the invention SIR is kept at an SIR target by eliminating fast fading, etc., as indicated in the claims and specification, but Persson does not cope with fast fading at all, (see column 3, lines 25-35, column 3, line 36, column 4, line 4). Therefore Persson and Pelin alone or in combination would fail to describe the invention.

One additional point should be stated. Since the indications from the Examiner and the applicants effectively yield the fact that Persson and Pelin do not disclose at all how to take into account fast fading in such a way (power control function) as described in the invention, so one could ask how could such a combination of Persson and Pelin make obvious any claim that takes into account fast fading for power controlling purposes as indicated in the present claims of the invention? In particular, if the references are somehow combined, the result is a system with receiver algorithms to prevent interference and antenna diversity to prevent fast fading. This is not the present invention.

Therefore, the rejection of claims 1-9, 13, and 16 under 35 U.S.C. 103 over Persson in view of Pelin should be withdrawn.

Reed also fails to disclose the present invention. Thus the rejection of claim 10 under 35 U.S.C. 103 over Persson in view Pelin and Reed should be withdrawn.

Similarly Haartsen fails to disclose the present invention. Thus, the rejection of claim 15 under 35 U.S.C. 103 over Persson in view of Pelin and Haartsen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry I. Steckler
Reg. No. 24,139

Nov 26, 2002
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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